

AF 11632
JFW

PATENT

Serial No. 09/715,902

Atty. Dkt. No. PP001627.0003

CERTIFICATE OF MAILING PURSUANT TO 37 CFR § 1.8

I hereby certify that this correspondence (and all documents referred to herein) is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Appeal Brief – Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date entered below.

10-10-07

Date

Sharleen Lane

Sharleen Lane

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: John J. Donnelly et al.

Serial No.: 09/715,902

Filing Date: 11/17/2000

For: MICROPARTICLE-BASED TRANSFECTION
AND ACTIVATION OF DENDRITIC CELLS

Confirmation No.: 5612

Group Art Unit: 1632

Examiner: Wehbé, Anne Marie S.

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

Mail Stop Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notification of Non-Compliant Appeal Brief (37 CFR 41.37) mailed September 10, 2007 from the United States Patent and Trademark Office, enclosed herewith are the following documents:

1. **RETURN COPY** of Notification of Non-Compliant Appeal Brief.
2. **COPY OF U.S. PATENT 4,489,055** by Couvreur et al., as required under 37 CFR 41.37(c)(1)(ix).
3. **RETURN RECEIPT POSTCARD.**

PATENT

Serial No. 09/715,902

Atty. Dkt. No. PP001627.0003

The Commissioner is hereby authorized to charge any deficiency in fees or credit any overpayment associated with this communication and which may be required under 37 C.F.R. 1.16 and 1.17 to Deposit Account No. 03-1664.

Respectfully submitted,

NOVARTIS VACCINES AND DIAGNOSTICS, INC.

Date: October 10, 2007

By: 

Helen Lee

Registration No. 39,270

Customer No. 27476

NOVARTIS VACCINES AND DIAGNOSTICS, INC.

Intellectual Property – R338

P.O. Box 8097

Emeryville, CA 94662-8097

Telephone: (510) 923-2192

Facsimile: (510) 655-3542



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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www.uspto.gov

OCT 12 2007

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/715,902	11/17/2000	John James Donnelly	1627.003	5612

27476 7590 09/10/2007

NOVARTIS VACCINES AND DIAGNOSTICS INC.
INTELLECTUAL PROPERTY R338
P.O. BOX 8097
Emeryville, CA 94662-8097

EXAMINER

ART UNIT

PAPER NUMBER

EMERYVILLE - CIP

SEP 12 2007

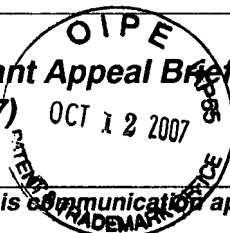
DATE MAILED: 09/10/2007

F/F	M/D	Inv.	RF	ASG	PA
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Please find below and/or attached an Office communication concerning this application or proceeding.

DOCKETED on/by 9/12/07 WMS
Atty. OLI PA
File # PP 001627.0003
Due Date _____ Ext _____
Final Date 51384-USNP

Notification of Non-Compliant Appeal Brief
(37 CFR 41.37)



Application No.

09/715,902

Applicant(s)

DONNELLY ET AL.

Examiner

Anne Marie S. Wehbe

Art Unit

1633

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 17 May 2007 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.

EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☐ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☒ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

While appellant has referenced Courvreur et al. in the evidence appendix, no copy of Courvreur et al. has been provided as required under 37 CFR 41.37(c)(1)(ix). Therefore, the brief remains defective.

ANNE M. WEHBE, PH.D.
PRIMARY EXAMINER